

Surface Transportation Board, DOT

§ 1171.7

Carriers (DOT). DOT may intervene in any proceeding on the issue of safety fitness by filing an appropriate pleading detailing its reasons for opposing a grant of authority. The pleading must be filed within 20 days of receiving a copy of the application. Applicant may respond to any such pleading within 20 days of its filing.

[50 FR 20773, May 20, 1985, as amended at 54 FR 42959, Oct. 19, 1989; 58 FR 29361, May 20, 1993]

§ 1171.4 Information on Form OP-2.

(a) Applicants must furnish all information required on Form OP-2 by completing all spaces on the form and providing any necessary attachments. Failure to do so will result in rejection of the application.

(b) Notarization of the application is not required; however, applicants are subject to applicable Federal penalties for filing false information.

[50 FR 20773, May 20, 1985]

§ 1171.5 Where to send the application.

(a) The original and one copy of the application shall be filed with the Regional Office that has jurisdiction over applicant's point of domicile (the instructions to the application provide more specific information), or at such other location as the Commission may designate in special circumstances. A check or money order for the amount of the filing fee set forth at 49 CFR 1002.2(f)(1), payable to the Interstate Commerce Commission in United States dollars, must be submitted.

(b) One copy of the application shall be sent to the U.S. Department of Transportation, Federal Highway Administration, Office of Motor Carriers, Washington, DC 20590.

[58 FR 29361, May 20, 1993]

§ 1171.6 Commission review of the application.

(a) Commission staff will review the application for correctness, completeness, and adequacy of the evidence.

(1) Minor errors will be corrected without notification to the applicant.

(2) Materially incomplete applications will be rejected.

(b) Except in those proceedings in which the Department of Transportation intervenes under § 1171.3(d), compliance will be determined solely on the basis of the application. An employee review board will decide whether the authority sought falls under the statute, and whether and to what extent the evidence warrants a grant of authority.

(1) If the authority sought does not require a certificate of registration, or if the evidence does not warrant a grant of the authority sought, the employee review board will deny the application in whole or in part. In the case of a full or partial denial of an application, the Commission will inform the applicant by letter setting forth the reasons for the denial.

(2) If the employee board grants all or part of the application, the Commission will issue a certificate of registration authorizing specified operations provided that applicant has demonstrated compliance with 49 CFR 1044 (designation of process agent). If applicant has not complied with this requirement, the Commission will issue a notice stating that a certificate of registration will be issued upon such compliance. No certificate of registration shall be issued prior to compliance.

(c) If the Department of Transportation intervenes under 49 CFR 1171.3(d), the proceeding will be decided by the Commission. If the Commission grants all or part of the application, it will issue a certificate in accordance with the procedure described in 49 CFR 1171.6(b)(2).

[50 FR 20773, May 20, 1985, as amended at 50 FR 40030, Oct. 1, 1985; 54 FR 42959, Oct. 19, 1989; 54 FR 52035, Dec. 20, 1989; 55 FR 47338, Nov. 13, 1990]

§ 1171.7 Appeals.

A decision disposing of an application subject to these rules is a final action of the Commission. Review of such an action on appeal is governed by the Commission's appeal regulations at § 1115.2.

[50 FR 20773, May 20, 1985]

§ 1177.1

PARTS 1172-1174—[RESERVED]

PART 1176—[RESERVED]

PARTS 1177-1199—FINANCE
PROCEDURES

PARTS 1177-1179—SECURITIES, SE-
CURITY INTERESTS AND FINAN-
CIAL STRUCTURES

PART 1177—RECORDATION OF
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U.S.C. 559.

SOURCE: 46 FR 54946, Nov. 5, 1981, unless
otherwise noted. Redesignated at 47 FR 49592,
Nov. 1, 1982.

**§ 1177.1 Definitions and classifications
of documents.**

(a) A "primary document" is a mort-
gage (excluding those under the Ship
Mortgage Act of 1920, as amended—46
U.S.C. et seq.), lease, equipment trust
agreement, conditional sales agree-
ment, assignment of a lease or leases
which have not previously been filed,
or other instrument evidencing the
mortgage, lease, conditional sale, or
bailment of one or more vessels oper-
ated subject to Interstate Commerce
Commission jurisdiction, railroad cars,
locomotives, or other rolling stock for
a use related to interstate commerce.

(b) A "secondary document" is any
assignment of rights or interest, sup-
plement, or amendment to any primary
or other secondary document. These in-
clude releases, discharges, or satisfac-
tions, either total or partial.

**§ 1177.2 To whom documents should be
submitted for recordation.**

Documents to be recorded shall be
submitted in person or by mail ad-
dressed to the Secretary, Interstate
Commerce Commission, Washington,
DC 20423. All documents submitted by

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mail should clearly state "Documents
for Recordation" on the envelope.

§ 1177.3 Requirements for submission.

In order to be accepted for recorda-
tion, an original of any primary or sec-
ondary document must:

(a) Be in writing and executed by the
parties to the document, and acknowl-
edged or verified either in a form:

(1) Authorized by the law of the
state, territory, district or possession
where executed for the acknowledge-
ment or verification of deeds of land; or

(2) Substantially as follows:

INDIVIDUAL FORM OF ACKNOWLEDGEMENT

I, (name of signor), certify that I am the
person described in and who executed the
foregoing instrument and that I acknowledge
that I executed the same as my free act and
deed. I further declare (certify, verify or
state) under penalty of perjury ("under the
laws of the United States of America" if ex-
ecuted outside the United States) that the
foregoing is true and correct. Executed on
(date).

Signature.

or;

CORPORATE FORM OF ACKNOWLEDGEMENT

I, (name of signor), certify that I am (title
of office) of (name of corporation), that the
seal affixed to the foregoing instrument is
the corporate seal of said corporation, that
the instrument was signed and sealed on be-
half of the corporation by authority of its
Board of Directors, and that I acknowledge
that the execution of the foregoing instru-
ment was the free act and deed of the cor-
poration. I further declare (certify, verify or
state) under penalty of perjury ("under the
laws of the United States of America" if ex-
ecuted outside the United States of America)
that the foregoing is true and correct. Exe-
cuted on (date).

Signature.

or;

(3) Substantially as follows:

INDIVIDUAL FORM OF ACKNOWLEDGEMENT

State of _____

County of _____, ss:

On this _____ day of _____, 19____, be-
fore me, personally appeared (name of si-
gnor), to me known to be the person de-
scribed in and who executed the foregoing in-
strument and (s)he acknowledged that (s)he
executed the same as his/her free act and
deed.

(SEAL)